



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 95-24
Petition of Edward R. Rudeck
7 Intervale Road

Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, March 30, 1995 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of EDWARD R. RUDECK requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of an existing nonconforming deck and construction of a two-story addition approximately 12 feet by 19.5 feet at the rear of his nonconforming dwelling with less than the required left and right side yard setbacks at 7 INTERVALE ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Said addition will have less than the required left and right side yard setbacks.

A variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw is also requested for the construction of a deck approximately 6 feet by 11 feet, which would have less than the required left and right side yard setbacks.

On March 13, 1995, the petitioner filed a request for a hearing before this Authority, and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Edward Rudeck, who said he was seeking permission to construct a two-story addition and a deck at the rear of his house, which would not have the required left and right side yard setbacks. The reason for the construction is that his family needs more space, as they have two children and only two bedrooms. The addition would contain a family room and a bedroom. Both the left and right side abutters are in support of the addition.

No other person present had any comment on the petition.

Statement of Facts

The subject nonconforming dwelling is located at 7 Intervale Road, in a Single Residence District, on a 4,743 square foot lot, and has a minimum left side yard clearance of 8.8 feet and a minimum right side yard clearance of 9.2 feet.

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The petitioner is requesting a Special Permit/Finding to demolish an existing nonconforming deck and construct a two-story addition approximately 12 feet by 19.5 feet which would have a minimum right side yard clearance of 15.7 feet and a minimum left side yard clearance of 8.8 feet at the rear of his nonconforming dwelling.

A variance is also requested to construct a deck approximately 11 feet by 6 feet which would have a minimum right side yard clearance of 19.95 feet and a minimum left side yard clearance of 13.05 feet, at the rear of the proposed addition.

The total lot coverage including the proposed addition and deck would be 24.94%.

A Plot Plan dated February 24, 1995, drawn by Joseph R. Sullivan, Registered Professional Surveyor; Floor Plans and Elevations dated March 1, 1995, drawn by Marjorie Marks; and photographs were submitted.

A letter dated February 26, 1995, expressing support for the petition was received from Rita Lyle, 9 Intervale Road and Mr. and Mrs. John Bremer, 5 Intervale Road, the petitioner's right and left side abutters.

On March 28, 1995, the Planning Board reviewed the petition and voted to recommend approval for both the two-story addition and the deck.

Decision

These Authorities have made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling, the proposed two-story addition, and the proposed deck do not conform to the current Zoning Bylaw.

It is the opinion of this Authority that the proposed two-story addition will create an additional nonconformity, as it will not occupy the exact footprint of the nonconforming porch to be demolished.

It is the Finding of this Authority that the proposed two-story addition, for which the petitioner has received written support from the two most affected neighbors, will not be substantially more detrimental to the neighborhood than the existing structure as the footprint will not further encroach on either side lot line.

It is the opinion of this Authority that the proposed deck conforms to the existing lines of the house and does not alter the relationship of the house to either side lot line.

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It is the opinion of this Authority that, because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted to construct the deck, as is the Finding to allow demolition of the existing porch and construction of the two-story addition. Both the addition and the deck must be constructed in accordance with the submitted plot plan and construction sketches.

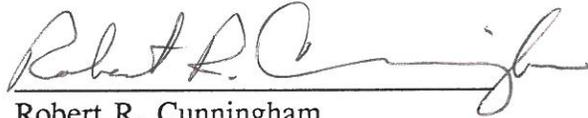
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and detailed construction plans.

APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

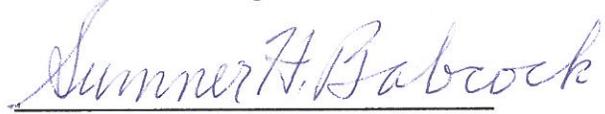
cc: Planning Board
Inspector of Buildings
edg



Kendall P. Bates, Acting Chairman



Robert R. Cunningham



Sumner H. Babcock

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